



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3540

Introduced 2/24/2011, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

235 ILCS 5/4-4
625 ILCS 5/6-206

from Ch. 43, par. 112

Amends the Liquor Control Act of 1934 and the Illinois Vehicle Code. Removes reference to dispositions of court supervision in a provision of the Liquor Control Act of 1934 requiring a local liquor commissioner to notify the Secretary of State of specified violations relating to the transfer, possession, and consumption of alcoholic liquor or similar provisions of a local ordinance. Removes provisions of the Illinois Vehicle Code authorizing the Secretary of State to suspend or revoke the driving privileges of any person who has received a disposition of court supervision for specified violations of the Liquor Control Act of 1934 relating to the transfer, possession, and consumption of alcoholic liquor. Effective July 1, 2011.

LRB097 06733 HEP 46821 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 4-4 as follows:

6 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

7 Sec. 4-4. Each local liquor control commissioner shall also
8 have the following powers, functions and duties with respect to
9 licenses, other than licenses to manufacturers, importing
10 distributors, distributors, foreign importers, non-resident
11 dealers, non-beverage users, brokers, railroads, airplanes and
12 boats.

13 1. To grant and or suspend for not more than thirty
14 days or revoke for cause all local licenses issued to
15 persons for premises within his jurisdiction;

16 2. To enter or to authorize any law enforcing officer
17 to enter at any time upon any premises licensed hereunder
18 to determine whether any of the provisions of this Act or
19 any rules or regulations adopted by him or by the State
20 Commission have been or are being violated, and at such
21 time to examine said premises of said licensee in
22 connection therewith;

23 3. To notify the Secretary of State where a club

1 incorporated under the General Not for Profit Corporation
2 Act of 1986 or a foreign corporation functioning as a club
3 in this State under a certificate of authority issued under
4 that Act has violated this Act by selling or offering for
5 sale at retail alcoholic liquors without a retailer's
6 license;

7 4. To receive complaint from any citizen within his
8 jurisdiction that any of the provisions of this Act, or any
9 rules or regulations adopted pursuant hereto, have been or
10 are being violated and to act upon such complaints in the
11 manner hereinafter provided;

12 5. To receive local license fees and pay the same
13 forthwith to the city, village, town or county treasurer as
14 the case may be.

15 Each local liquor commissioner also has the duty to notify
16 the Secretary of State of any convictions ~~or dispositions of~~
17 ~~court supervision~~ for a violation of Section 6-20 of this Act
18 or a similar provision of a local ordinance.

19 In counties and municipalities, the local liquor control
20 commissioners shall also have the power to levy fines in
21 accordance with Section 7-5 of this Act.

22 (Source: P.A. 95-166, eff. 1-1-08.)

23 Section 10. The Illinois Vehicle Code is amended by
24 changing Section 6-206 as follows:

1 (625 ILCS 5/6-206)

2 (Text of Section before amendment by P.A. 96-1344)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

12 2. Has been convicted of not less than 3 offenses
13 against traffic regulations governing the movement of
14 vehicles committed within any 12 month period. No
15 revocation or suspension shall be entered more than 6
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle
26 caused or contributed to an accident resulting in injury

1 requiring immediate professional treatment in a medical
2 facility or doctor's office to any person, except that any
3 suspension or revocation imposed by the Secretary of State
4 under the provisions of this subsection shall start no
5 later than 6 months after being convicted of violating a
6 law or ordinance regulating the movement of traffic, which
7 violation is related to the accident, or shall start not
8 more than one year after the date of the accident,
9 whichever date occurs later;

10 5. Has permitted an unlawful or fraudulent use of a
11 driver's license, identification card, or permit;

12 6. Has been lawfully convicted of an offense or
13 offenses in another state, including the authorization
14 contained in Section 6-203.1, which if committed within
15 this State would be grounds for suspension or revocation;

16 7. Has refused or failed to submit to an examination
17 provided for by Section 6-207 or has failed to pass the
18 examination;

19 8. Is ineligible for a driver's license or permit under
20 the provisions of Section 6-103;

21 9. Has made a false statement or knowingly concealed a
22 material fact or has used false information or
23 identification in any application for a license,
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to
26 fraudulently use any license, identification card, or

1 permit not issued to the person;

2 11. Has operated a motor vehicle upon a highway of this
3 State when the person's driving privilege or privilege to
4 obtain a driver's license or permit was revoked or
5 suspended unless the operation was authorized by a
6 monitoring device driving permit, judicial driving permit
7 issued prior to January 1, 2009, probationary license to
8 drive, or a restricted driving permit issued under this
9 Code;

10 12. Has submitted to any portion of the application
11 process for another person or has obtained the services of
12 another person to submit to any portion of the application
13 process for the purpose of obtaining a license,
14 identification card, or permit for some other person;

15 13. Has operated a motor vehicle upon a highway of this
16 State when the person's driver's license or permit was
17 invalid under the provisions of Sections 6-107.1 and 6-110;

18 14. Has committed a violation of Section 6-301,
19 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
20 of the Illinois Identification Card Act;

21 15. Has been convicted of violating Section 21-2 of the
22 Criminal Code of 1961 relating to criminal trespass to
23 vehicles in which case, the suspension shall be for one
24 year;

25 16. Has been convicted of violating Section 11-204 of
26 this Code relating to fleeing from a peace officer;

1 17. Has refused to submit to a test, or tests, as
2 required under Section 11-501.1 of this Code and the person
3 has not sought a hearing as provided for in Section
4 11-501.1;

5 18. Has, since issuance of a driver's license or
6 permit, been adjudged to be afflicted with or suffering
7 from any mental disability or disease;

8 19. Has committed a violation of paragraph (a) or (b)
9 of Section 6-101 relating to driving without a driver's
10 license;

11 20. Has been convicted of violating Section 6-104
12 relating to classification of driver's license;

13 21. Has been convicted of violating Section 11-402 of
14 this Code relating to leaving the scene of an accident
15 resulting in damage to a vehicle in excess of \$1,000, in
16 which case the suspension shall be for one year;

17 22. Has used a motor vehicle in violating paragraph
18 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
19 the Criminal Code of 1961 relating to unlawful use of
20 weapons, in which case the suspension shall be for one
21 year;

22 23. Has, as a driver, been convicted of committing a
23 violation of paragraph (a) of Section 11-502 of this Code
24 for a second or subsequent time within one year of a
25 similar violation;

26 24. Has been convicted by a court-martial or punished

1 by non-judicial punishment by military authorities of the
2 United States at a military installation in Illinois of or
3 for a traffic related offense that is the same as or
4 similar to an offense specified under Section 6-205 or
5 6-206 of this Code;

6 25. Has permitted any form of identification to be used
7 by another in the application process in order to obtain or
8 attempt to obtain a license, identification card, or
9 permit;

10 26. Has altered or attempted to alter a license or has
11 possessed an altered license, identification card, or
12 permit;

13 27. Has violated Section 6-16 of the Liquor Control Act
14 of 1934;

15 28. Has been convicted of the illegal possession, while
16 operating or in actual physical control, as a driver, of a
17 motor vehicle, of any controlled substance prohibited
18 under the Illinois Controlled Substances Act, any cannabis
19 prohibited under the Cannabis Control Act, or any
20 methamphetamine prohibited under the Methamphetamine
21 Control and Community Protection Act, in which case the
22 person's driving privileges shall be suspended for one
23 year, and any driver who is convicted of a second or
24 subsequent offense, within 5 years of a previous
25 conviction, for the illegal possession, while operating or
26 in actual physical control, as a driver, of a motor

1 vehicle, of any controlled substance prohibited under the
2 Illinois Controlled Substances Act, any cannabis
3 prohibited under the Cannabis Control Act, or any
4 methamphetamine prohibited under the Methamphetamine
5 Control and Community Protection Act shall be suspended for
6 5 years. Any defendant found guilty of this offense while
7 operating a motor vehicle, shall have an entry made in the
8 court record by the presiding judge that this offense did
9 occur while the defendant was operating a motor vehicle and
10 order the clerk of the court to report the violation to the
11 Secretary of State;

12 29. Has been convicted of the following offenses that
13 were committed while the person was operating or in actual
14 physical control, as a driver, of a motor vehicle: criminal
15 sexual assault, predatory criminal sexual assault of a
16 child, aggravated criminal sexual assault, criminal sexual
17 abuse, aggravated criminal sexual abuse, juvenile pimping,
18 soliciting for a juvenile prostitute and the manufacture,
19 sale or delivery of controlled substances or instruments
20 used for illegal drug use or abuse in which case the
21 driver's driving privileges shall be suspended for one
22 year;

23 30. Has been convicted a second or subsequent time for
24 any combination of the offenses named in paragraph 29 of
25 this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 or has submitted to a test resulting in an
3 alcohol concentration of 0.08 or more or any amount of a
4 drug, substance, or compound resulting from the unlawful
5 use or consumption of cannabis as listed in the Cannabis
6 Control Act, a controlled substance as listed in the
7 Illinois Controlled Substances Act, an intoxicating
8 compound as listed in the Use of Intoxicating Compounds
9 Act, or methamphetamine as listed in the Methamphetamine
10 Control and Community Protection Act, in which case the
11 penalty shall be as prescribed in Section 6-208.1;

12 32. Has been convicted of Section 24-1.2 of the
13 Criminal Code of 1961 relating to the aggravated discharge
14 of a firearm if the offender was located in a motor vehicle
15 at the time the firearm was discharged, in which case the
16 suspension shall be for 3 years;

17 33. Has as a driver, who was less than 21 years of age
18 on the date of the offense, been convicted a first time of
19 a violation of paragraph (a) of Section 11-502 of this Code
20 or a similar provision of a local ordinance;

21 34. Has committed a violation of Section 11-1301.5 of
22 this Code;

23 35. Has committed a violation of Section 11-1301.6 of
24 this Code;

25 36. Is under the age of 21 years at the time of arrest
26 and has been convicted of not less than 2 offenses against

1 traffic regulations governing the movement of vehicles
2 committed within any 24 month period. No revocation or
3 suspension shall be entered more than 6 months after the
4 date of last conviction;

5 37. Has committed a violation of subsection (c) of
6 Section 11-907 of this Code that resulted in damage to the
7 property of another or the death or injury of another;

8 38. Has been convicted of a violation of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance;

11 39. Has committed a second or subsequent violation of
12 Section 11-1201 of this Code;

13 40. Has committed a violation of subsection (a-1) of
14 Section 11-908 of this Code;

15 41. Has committed a second or subsequent violation of
16 Section 11-605.1 of this Code within 2 years of the date of
17 the previous violation, in which case the suspension shall
18 be for 90 days;

19 42. Has committed a violation of subsection (a-1) of
20 Section 11-1301.3 of this Code;

21 43. (Blank) ~~Has received a disposition of court~~
22 ~~supervision for a violation of subsection (a), (d), or (e)~~
23 ~~of Section 6-20 of the Liquor Control Act of 1934 or a~~
24 ~~similar provision of a local ordinance, in which case the~~
25 ~~suspension shall be for a period of 3 months;~~

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic
2 regulations governing the movement of vehicles after
3 having previously had his or her driving privileges
4 suspended or revoked pursuant to subparagraph 36 of this
5 Section; or

6 45. Has, in connection with or during the course of a
7 formal hearing conducted under Section 2-118 of this Code:
8 (i) committed perjury; (ii) submitted fraudulent or
9 falsified documents; (iii) submitted documents that have
10 been materially altered; or (iv) submitted, as his or her
11 own, documents that were in fact prepared or composed for
12 another person.

13 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
14 and 27 of this subsection, license means any driver's license,
15 any traffic ticket issued when the person's driver's license is
16 deposited in lieu of bail, a suspension notice issued by the
17 Secretary of State, a duplicate or corrected driver's license,
18 a probationary driver's license or a temporary driver's
19 license.

20 (b) If any conviction forming the basis of a suspension or
21 revocation authorized under this Section is appealed, the
22 Secretary of State may rescind or withhold the entry of the
23 order of suspension or revocation, as the case may be, provided
24 that a certified copy of a stay order of a court is filed with
25 the Secretary of State. If the conviction is affirmed on
26 appeal, the date of the conviction shall relate back to the

1 time the original judgment of conviction was entered and the 6
2 month limitation prescribed shall not apply.

3 (c) 1. Upon suspending or revoking the driver's license or
4 permit of any person as authorized in this Section, the
5 Secretary of State shall immediately notify the person in
6 writing of the revocation or suspension. The notice to be
7 deposited in the United States mail, postage prepaid, to the
8 last known address of the person.

9 2. If the Secretary of State suspends the driver's
10 license of a person under subsection 2 of paragraph (a) of
11 this Section, a person's privilege to operate a vehicle as
12 an occupation shall not be suspended, provided an affidavit
13 is properly completed, the appropriate fee received, and a
14 permit issued prior to the effective date of the
15 suspension, unless 5 offenses were committed, at least 2 of
16 which occurred while operating a commercial vehicle in
17 connection with the driver's regular occupation. All other
18 driving privileges shall be suspended by the Secretary of
19 State. Any driver prior to operating a vehicle for
20 occupational purposes only must submit the affidavit on
21 forms to be provided by the Secretary of State setting
22 forth the facts of the person's occupation. The affidavit
23 shall also state the number of offenses committed while
24 operating a vehicle in connection with the driver's regular
25 occupation. The affidavit shall be accompanied by the
26 driver's license. Upon receipt of a properly completed

1 affidavit, the Secretary of State shall issue the driver a
2 permit to operate a vehicle in connection with the driver's
3 regular occupation only. Unless the permit is issued by the
4 Secretary of State prior to the date of suspension, the
5 privilege to drive any motor vehicle shall be suspended as
6 set forth in the notice that was mailed under this Section.
7 If an affidavit is received subsequent to the effective
8 date of this suspension, a permit may be issued for the
9 remainder of the suspension period.

10 The provisions of this subparagraph shall not apply to
11 any driver required to possess a CDL for the purpose of
12 operating a commercial motor vehicle.

13 Any person who falsely states any fact in the affidavit
14 required herein shall be guilty of perjury under Section
15 6-302 and upon conviction thereof shall have all driving
16 privileges revoked without further rights.

17 3. At the conclusion of a hearing under Section 2-118
18 of this Code, the Secretary of State shall either rescind
19 or continue an order of revocation or shall substitute an
20 order of suspension; or, good cause appearing therefor,
21 rescind, continue, change, or extend the order of
22 suspension. If the Secretary of State does not rescind the
23 order, the Secretary may upon application, to relieve undue
24 hardship (as defined by the rules of the Secretary of
25 State), issue a restricted driving permit granting the
26 privilege of driving a motor vehicle between the

1 petitioner's residence and petitioner's place of
2 employment or within the scope of the petitioner's
3 employment related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to
7 transport himself or herself to and from alcohol or drug
8 remedial or rehabilitative activity recommended by a
9 licensed service provider, or to allow the petitioner to
10 transport himself or herself or a family member of the
11 petitioner's household to classes, as a student, at an
12 accredited educational institution, or to allow the
13 petitioner to transport children, elderly persons, or
14 disabled persons who do not hold driving privileges and are
15 living in the petitioner's household to and from daycare.
16 The petitioner must demonstrate that no alternative means
17 of transportation is reasonably available and that the
18 petitioner will not endanger the public safety or welfare.
19 Those multiple offenders identified in subdivision (b)4 of
20 Section 6-208 of this Code, however, shall not be eligible
21 for the issuance of a restricted driving permit.

22 (A) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating
24 Section 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense, or
26 Section 9-3 of the Criminal Code of 1961, where the use

1 of alcohol or other drugs is recited as an element of
2 the offense, or a similar out-of-state offense, or a
3 combination of these offenses, arising out of separate
4 occurrences, that person, if issued a restricted
5 driving permit, may not operate a vehicle unless it has
6 been equipped with an ignition interlock device as
7 defined in Section 1-129.1.

8 (B) If a person's license or permit is revoked or
9 suspended 2 or more times within a 10 year period due
10 to any combination of:

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense
14 or Section 9-3 of the Criminal Code of 1961, where
15 the use of alcohol or other drugs is recited as an
16 element of the offense, or a similar out-of-state
17 offense; or

18 (ii) a statutory summary suspension under
19 Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;
21 arising out of separate occurrences; that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (C) The person issued a permit conditioned upon the
26 use of an ignition interlock device must pay to the

1 Secretary of State DUI Administration Fund an amount
2 not to exceed \$30 per month. The Secretary shall
3 establish by rule the amount and the procedures, terms,
4 and conditions relating to these fees.

5 (D) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the
9 operation of an occupational vehicle owned or leased by
10 that person's employer when used solely for employment
11 purposes.

12 (E) In each case the Secretary may issue a
13 restricted driving permit for a period deemed
14 appropriate, except that all permits shall expire
15 within one year from the date of issuance. The
16 Secretary may not, however, issue a restricted driving
17 permit to any person whose current revocation is the
18 result of a second or subsequent conviction for a
19 violation of Section 11-501 of this Code or a similar
20 provision of a local ordinance or any similar
21 out-of-state offense, or Section 9-3 of the Criminal
22 Code of 1961, where the use of alcohol or other drugs
23 is recited as an element of the offense, or any similar
24 out-of-state offense, or any combination of those
25 offenses, until the expiration of at least one year
26 from the date of the revocation. A restricted driving

1 permit issued under this Section shall be subject to
2 cancellation, revocation, and suspension by the
3 Secretary of State in like manner and for like cause as
4 a driver's license issued under this Code may be
5 cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation,
9 suspension, or cancellation of a restricted driving
10 permit. The Secretary of State may, as a condition to
11 the issuance of a restricted driving permit, require
12 the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of
14 State is authorized to cancel a restricted driving
15 permit if the permit holder does not successfully
16 complete the program.

17 (c-3) (Blank) ~~In the case of a suspension under paragraph~~
18 ~~43 of subsection (a), reports received by the Secretary of~~
19 ~~State under this Section shall, except during the actual time~~
20 ~~the suspension is in effect, be privileged information and for~~
21 ~~use only by the courts, police officers, prosecuting~~
22 ~~authorities, the driver licensing administrator of any other~~
23 ~~state, the Secretary of State, or the parent or legal guardian~~
24 ~~of a driver under the age of 18. However, beginning January 1,~~
25 ~~2008, if the person is a CDL holder, the suspension shall also~~
26 ~~be made available to the driver licensing administrator of any~~

1 ~~either state, the U.S. Department of Transportation, and the~~
2 ~~affected driver or motor carrier or prospective motor carrier~~
3 ~~upon request.~~

4 (c-4) (Blank) ~~In the case of a suspension under paragraph~~
5 ~~43 of subsection (a), the Secretary of State shall notify the~~
6 ~~person by mail that his or her driving privileges and driver's~~
7 ~~license will be suspended one month after the date of the~~
8 ~~mailing of the notice.~~

9 (c-5) The Secretary of State may, as a condition of the
10 reissuance of a driver's license or permit to an applicant
11 whose driver's license or permit has been suspended before he
12 or she reached the age of 21 years pursuant to any of the
13 provisions of this Section, require the applicant to
14 participate in a driver remedial education course and be
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been suspended or revoked under any
21 provisions of this Code.

22 (f) In accordance with 49 C.F.R. 384, the Secretary of
23 State may not issue a restricted driving permit for the
24 operation of a commercial motor vehicle to a person holding a
25 CDL whose driving privileges have been suspended, revoked,
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
2 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
3 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
4 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
5 96-1305, eff. 1-1-11; revised 9-2-10.)

6 (Text of Section after amendment by P.A. 96-1344)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 4. Has by the unlawful operation of a motor vehicle
5 caused or contributed to an accident resulting in injury
6 requiring immediate professional treatment in a medical
7 facility or doctor's office to any person, except that any
8 suspension or revocation imposed by the Secretary of State
9 under the provisions of this subsection shall start no
10 later than 6 months after being convicted of violating a
11 law or ordinance regulating the movement of traffic, which
12 violation is related to the accident, or shall start not
13 more than one year after the date of the accident,
14 whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or
18 offenses in another state, including the authorization
19 contained in Section 6-203.1, which if committed within
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination
22 provided for by Section 6-207 or has failed to pass the
23 examination;

24 8. Is ineligible for a driver's license or permit under
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this
8 State when the person's driving privilege or privilege to
9 obtain a driver's license or permit was revoked or
10 suspended unless the operation was authorized by a
11 monitoring device driving permit, judicial driving permit
12 issued prior to January 1, 2009, probationary license to
13 drive, or a restricted driving permit issued under this
14 Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this
21 State when the person's driver's license or permit was
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 relating to criminal trespass to
2 vehicles in which case, the suspension shall be for one
3 year;

4 16. Has been convicted of violating Section 11-204 of
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

10 18. Has, since issuance of a driver's license or
11 permit, been adjudged to be afflicted with or suffering
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)
14 of Section 6-101 relating to driving without a driver's
15 license;

16 20. Has been convicted of violating Section 6-104
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of
19 this Code relating to leaving the scene of an accident
20 resulting in damage to a vehicle in excess of \$1,000, in
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 relating to unlawful use of
25 weapons, in which case the suspension shall be for one
26 year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois of or
8 for a traffic related offense that is the same as or
9 similar to an offense specified under Section 6-205 or
10 6-206 of this Code;

11 25. Has permitted any form of identification to be used
12 by another in the application process in order to obtain or
13 attempt to obtain a license, identification card, or
14 permit;

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted of the illegal possession, while
21 operating or in actual physical control, as a driver, of a
22 motor vehicle, of any controlled substance prohibited
23 under the Illinois Controlled Substances Act, any cannabis
24 prohibited under the Cannabis Control Act, or any
25 methamphetamine prohibited under the Methamphetamine
26 Control and Community Protection Act, in which case the

1 person's driving privileges shall be suspended for one
2 year, and any driver who is convicted of a second or
3 subsequent offense, within 5 years of a previous
4 conviction, for the illegal possession, while operating or
5 in actual physical control, as a driver, of a motor
6 vehicle, of any controlled substance prohibited under the
7 Illinois Controlled Substances Act, any cannabis
8 prohibited under the Cannabis Control Act, or any
9 methamphetamine prohibited under the Methamphetamine
10 Control and Community Protection Act shall be suspended for
11 5 years. Any defendant found guilty of this offense while
12 operating a motor vehicle, shall have an entry made in the
13 court record by the presiding judge that this offense did
14 occur while the defendant was operating a motor vehicle and
15 order the clerk of the court to report the violation to the
16 Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle: criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, criminal sexual
22 abuse, aggravated criminal sexual abuse, juvenile pimping,
23 soliciting for a juvenile prostitute and the manufacture,
24 sale or delivery of controlled substances or instruments
25 used for illegal drug use or abuse in which case the
26 driver's driving privileges shall be suspended for one

1 year;

2 30. Has been convicted a second or subsequent time for
3 any combination of the offenses named in paragraph 29 of
4 this subsection, in which case the person's driving
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 or has submitted to a test resulting in an
8 alcohol concentration of 0.08 or more or any amount of a
9 drug, substance, or compound resulting from the unlawful
10 use or consumption of cannabis as listed in the Cannabis
11 Control Act, a controlled substance as listed in the
12 Illinois Controlled Substances Act, an intoxicating
13 compound as listed in the Use of Intoxicating Compounds
14 Act, or methamphetamine as listed in the Methamphetamine
15 Control and Community Protection Act, in which case the
16 penalty shall be as prescribed in Section 6-208.1;

17 32. Has been convicted of Section 24-1.2 of the
18 Criminal Code of 1961 relating to the aggravated discharge
19 of a firearm if the offender was located in a motor vehicle
20 at the time the firearm was discharged, in which case the
21 suspension shall be for 3 years;

22 33. Has as a driver, who was less than 21 years of age
23 on the date of the offense, been convicted a first time of
24 a violation of paragraph (a) of Section 11-502 of this Code
25 or a similar provision of a local ordinance;

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of
3 this Code;

4 36. Is under the age of 21 years at the time of arrest
5 and has been convicted of not less than 2 offenses against
6 traffic regulations governing the movement of vehicles
7 committed within any 24 month period. No revocation or
8 suspension shall be entered more than 6 months after the
9 date of last conviction;

10 37. Has committed a violation of subsection (c) of
11 Section 11-907 of this Code that resulted in damage to the
12 property of another or the death or injury of another;

13 38. Has been convicted of a violation of Section 6-20
14 of the Liquor Control Act of 1934 or a similar provision of
15 a local ordinance;

16 39. Has committed a second or subsequent violation of
17 Section 11-1201 of this Code;

18 40. Has committed a violation of subsection (a-1) of
19 Section 11-908 of this Code;

20 41. Has committed a second or subsequent violation of
21 Section 11-605.1 of this Code within 2 years of the date of
22 the previous violation, in which case the suspension shall
23 be for 90 days;

24 42. Has committed a violation of subsection (a-1) of
25 Section 11-1301.3 of this Code;

26 43. (Blank) ~~Has received a disposition of court~~

1 ~~supervision for a violation of subsection (a), (d), or (e)~~
2 ~~of Section 6-20 of the Liquor Control Act of 1934 or a~~
3 ~~similar provision of a local ordinance, in which case the~~
4 ~~suspension shall be for a period of 3 months;~~

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section; or

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person.

18 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
19 and 27 of this subsection, license means any driver's license,
20 any traffic ticket issued when the person's driver's license is
21 deposited in lieu of bail, a suspension notice issued by the
22 Secretary of State, a duplicate or corrected driver's license,
23 a probationary driver's license or a temporary driver's
24 license.

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or
9 permit of any person as authorized in this Section, the
10 Secretary of State shall immediately notify the person in
11 writing of the revocation or suspension. The notice to be
12 deposited in the United States mail, postage prepaid, to the
13 last known address of the person.

14 2. If the Secretary of State suspends the driver's
15 license of a person under subsection 2 of paragraph (a) of
16 this Section, a person's privilege to operate a vehicle as
17 an occupation shall not be suspended, provided an affidavit
18 is properly completed, the appropriate fee received, and a
19 permit issued prior to the effective date of the
20 suspension, unless 5 offenses were committed, at least 2 of
21 which occurred while operating a commercial vehicle in
22 connection with the driver's regular occupation. All other
23 driving privileges shall be suspended by the Secretary of
24 State. Any driver prior to operating a vehicle for
25 occupational purposes only must submit the affidavit on
26 forms to be provided by the Secretary of State setting

1 forth the facts of the person's occupation. The affidavit
2 shall also state the number of offenses committed while
3 operating a vehicle in connection with the driver's regular
4 occupation. The affidavit shall be accompanied by the
5 driver's license. Upon receipt of a properly completed
6 affidavit, the Secretary of State shall issue the driver a
7 permit to operate a vehicle in connection with the driver's
8 regular occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended as
11 set forth in the notice that was mailed under this Section.
12 If an affidavit is received subsequent to the effective
13 date of this suspension, a permit may be issued for the
14 remainder of the suspension period.

15 The provisions of this subparagraph shall not apply to
16 any driver required to possess a CDL for the purpose of
17 operating a commercial motor vehicle.

18 Any person who falsely states any fact in the affidavit
19 required herein shall be guilty of perjury under Section
20 6-302 and upon conviction thereof shall have all driving
21 privileges revoked without further rights.

22 3. At the conclusion of a hearing under Section 2-118
23 of this Code, the Secretary of State shall either rescind
24 or continue an order of revocation or shall substitute an
25 order of suspension; or, good cause appearing therefor,
26 rescind, continue, change, or extend the order of

1 suspension. If the Secretary of State does not rescind the
2 order, the Secretary may upon application, to relieve undue
3 hardship (as defined by the rules of the Secretary of
4 State), issue a restricted driving permit granting the
5 privilege of driving a motor vehicle between the
6 petitioner's residence and petitioner's place of
7 employment or within the scope of the petitioner's
8 employment related duties, or to allow the petitioner to
9 transport himself or herself, or a family member of the
10 petitioner's household to a medical facility, to receive
11 necessary medical care, to allow the petitioner to
12 transport himself or herself to and from alcohol or drug
13 remedial or rehabilitative activity recommended by a
14 licensed service provider, or to allow the petitioner to
15 transport himself or herself or a family member of the
16 petitioner's household to classes, as a student, at an
17 accredited educational institution, or to allow the
18 petitioner to transport children, elderly persons, or
19 disabled persons who do not hold driving privileges and are
20 living in the petitioner's household to and from daycare.
21 The petitioner must demonstrate that no alternative means
22 of transportation is reasonably available and that the
23 petitioner will not endanger the public safety or welfare.
24 Those multiple offenders identified in subdivision (b)4 of
25 Section 6-208 of this Code, however, shall not be eligible
26 for the issuance of a restricted driving permit.

1 (A) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating
3 Section 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense, or
5 Section 9-3 of the Criminal Code of 1961, where the use
6 of alcohol or other drugs is recited as an element of
7 the offense, or a similar out-of-state offense, or a
8 combination of these offenses, arising out of separate
9 occurrences, that person, if issued a restricted
10 driving permit, may not operate a vehicle unless it has
11 been equipped with an ignition interlock device as
12 defined in Section 1-129.1.

13 (B) If a person's license or permit is revoked or
14 suspended 2 or more times within a 10 year period due
15 to any combination of:

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense
19 or Section 9-3 of the Criminal Code of 1961, where
20 the use of alcohol or other drugs is recited as an
21 element of the offense, or a similar out-of-state
22 offense; or

23 (ii) a statutory summary suspension or
24 revocation under Section 11-501.1; or

25 (iii) a suspension under Section 6-203.1;
26 arising out of separate occurrences; that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

4 (C) The person issued a permit conditioned upon the
5 use of an ignition interlock device must pay to the
6 Secretary of State DUI Administration Fund an amount
7 not to exceed \$30 per month. The Secretary shall
8 establish by rule the amount and the procedures, terms,
9 and conditions relating to these fees.

10 (D) If the restricted driving permit is issued for
11 employment purposes, then the prohibition against
12 operating a motor vehicle that is not equipped with an
13 ignition interlock device does not apply to the
14 operation of an occupational vehicle owned or leased by
15 that person's employer when used solely for employment
16 purposes.

17 (E) In each case the Secretary may issue a
18 restricted driving permit for a period deemed
19 appropriate, except that all permits shall expire
20 within one year from the date of issuance. The
21 Secretary may not, however, issue a restricted driving
22 permit to any person whose current revocation is the
23 result of a second or subsequent conviction for a
24 violation of Section 11-501 of this Code or a similar
25 provision of a local ordinance or any similar
26 out-of-state offense, or Section 9-3 of the Criminal

1 Code of 1961, where the use of alcohol or other drugs
2 is recited as an element of the offense, or any similar
3 out-of-state offense, or any combination of those
4 offenses, until the expiration of at least one year
5 from the date of the revocation. A restricted driving
6 permit issued under this Section shall be subject to
7 cancellation, revocation, and suspension by the
8 Secretary of State in like manner and for like cause as
9 a driver's license issued under this Code may be
10 cancelled, revoked, or suspended; except that a
11 conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation,
14 suspension, or cancellation of a restricted driving
15 permit. The Secretary of State may, as a condition to
16 the issuance of a restricted driving permit, require
17 the applicant to participate in a designated driver
18 remedial or rehabilitative program. The Secretary of
19 State is authorized to cancel a restricted driving
20 permit if the permit holder does not successfully
21 complete the program.

22 (c-3) (Blank) ~~In the case of a suspension under paragraph~~
23 ~~43 of subsection (a), reports received by the Secretary of~~
24 ~~State under this Section shall, except during the actual time~~
25 ~~the suspension is in effect, be privileged information and for~~
26 ~~use only by the courts, police officers, prosecuting~~

1 ~~authorities, the driver licensing administrator of any other~~
2 ~~state, the Secretary of State, or the parent or legal guardian~~
3 ~~of a driver under the age of 18. However, beginning January 1,~~
4 ~~2008, if the person is a CDL holder, the suspension shall also~~
5 ~~be made available to the driver licensing administrator of any~~
6 ~~other state, the U.S. Department of Transportation, and the~~
7 ~~affected driver or motor carrier or prospective motor carrier~~
8 ~~upon request.~~

9 (c-4) (Blank) ~~In the case of a suspension under paragraph~~
10 ~~43 of subsection (a), the Secretary of State shall notify the~~
11 ~~person by mail that his or her driving privileges and driver's~~
12 ~~license will be suspended one month after the date of the~~
13 ~~mailing of the notice.~~

14 (c-5) The Secretary of State may, as a condition of the
15 reissuance of a driver's license or permit to an applicant
16 whose driver's license or permit has been suspended before he
17 or she reached the age of 21 years pursuant to any of the
18 provisions of this Section, require the applicant to
19 participate in a driver remedial education course and be
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the
22 Drivers License Compact.

23 (e) The Secretary of State shall not issue a restricted
24 driving permit to a person under the age of 16 years whose
25 driving privileges have been suspended or revoked under any
26 provisions of this Code.

1 (f) In accordance with 49 C.F.R. 384, the Secretary of
2 State may not issue a restricted driving permit for the
3 operation of a commercial motor vehicle to a person holding a
4 CDL whose driving privileges have been suspended, revoked,
5 cancelled, or disqualified under any provisions of this Code.

6 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
7 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
8 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
9 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
10 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect July 1,
19 2011.